



**Environmental  
Planning  
Commission**

**Agenda Number: 6**  
**Project Number: 1007922**  
**Case Number(s): 09EPC-40048/40050**  
**October 15, 2009**

**Staff Report**

<b>Agent</b>	Scott C. Anderson
<b>Applicant</b>	St. Micheal and All Angels Episcopal Church
<b>Request(s)</b>	<b>Zone Map Amendment</b> <b>Amend Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Lots 9A & 10A, Zapf-Van Addition #10
<b>Location</b>	Montano Road between 4 <sup>th</sup> Street and 9 <sup>th</sup> Street
<b>Size</b>	Approximately 1.97 acres
<b>Existing Zoning</b>	R-1
<b>Proposed Zoning</b>	SU-1 for Church & Related Facilities & A Day Care Center

**Staff Recommendation**

**APPROVAL of 09EPC 40050, based upon the findings on page 12, and subject to the conditions of approval on page 15.**

**APPROVAL of 09EPC 40048, based upon the findings on page 15, and subject to the conditions of approval on page 17.**

**Staff Planner**

**Randall Falkner, Planner**

**Summary of Analysis**

This is a request for a zone map amendment from R-1 to SU-1 for Church & Related Facilities & A Day Care Center, and a request for an amendment to the site development plan for building permit on a 1.97 acre portion of land located on Montano Road between 4<sup>th</sup> Street and 9<sup>th</sup> Street. The site comprises Lots 9A and 10A, Zapf. Van Addition #10. Lot 10A would receive the zone change, while lot 9A is already zoned SU-1 for Church & Related Facilities & A Day Care Center. The applicant is requesting an addition to the existing church in the form of two buildings (connected by a portal) that will be used for offices and adult education, and an expansion of the existing parking lot.

The applicant has adequately justified the request for a zone map amendment and the amendment to the site development plan for building permit based on applicable policies found in the Comprehensive Plan and the North Valley Area Plan. There is no known opposition to the request and staff recommends approval with conditions.

Location Map (3" x 3")

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**AREA CHARACTERISTICS AND ZONING HISTORY**

***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	SU-1 for Church & Related Facilities & A Day Care Center	Established Urban North Valley Area Plan	Public Facility
<b><i>North</i></b>	R-1	same as above	Single Family
<b><i>South</i></b>	R-1, RA-2, SU-1 Beauty Shop	same as above	Single Family, Agriculture
<b><i>East</i></b>	R-1	same as above	Single Family
<b><i>West</i></b>	R-1	same as above	Single Family

***Background***

This is a request for a zone map amendment from R-1 to SU-1 for Church & Related Facilities & A Day Care Center, and a request for an amendment to the site development plan for building permit on a 1.97 acre portion of land located on Montano Road between 4<sup>th</sup> Street and 9<sup>th</sup> Street. The site comprises Lots 9A and 10A, Zapf. Van Addition #10. Lot 10A would receive the zone change, while lot 9A is already zoned SU-1 for Church & Related Facilities & A Day Care Center. The applicant is requesting an addition to the existing church in the form of two buildings (connected by a portal) that will be used for offices and adult education, and an expansion of the existing parking lot onto Lot 10A to replace the parking that will be lost on Lot 9A.

***History***

In 1975 the Environmental Planning Commission (EPC) approved the zone change request from R-1 to SU-1 for Church & Related Facilities & A Day Care Center. In 2007 St. Michael and All Angels Episcopal Church purchased Lot 10A from Dos Hermanos Restaurant Group that had been using the property as a corporate office. A zone map amendment was approved for this site from R-1 to SU-1 for O-1 in 2006. However, the Church missed the deferment deadline set by the DRB so the property reverted to back the original R-1 zoning. In addition, a site development plan for building permit (07EPC 40028) was approved in 2007.

Lot 5A is shown on the site development plan for building permit for illustrative purposes only, because the church uses this Lot for parking. The Church has an agreement with the Middle Rio Grande Conservancy District to park on Lot 5A (immediately east of Lot 9A); however, because this land is owned by the Middle Rio Grande Conservancy District (MRGCD) and not by the church, these (16) spaces are not included in the parking calculations for the site. Lot 5A has been used as a parking lot by the Church since 1959. Lot 5A has no buildings on it, as a result of the Harwood Lateral running beneath the Lot, which makes the site unbuildable. Lot 5A is

zoned R-1, however, because the MRGCD is a subdivision of the state, the lot is exempt from the City's zoning code.

### ***Context***

The subject site is surrounded by single family residential and R-1 zoning to the north, east, and west. In addition to single family residential and R-1 zoning, the property to the south across Montano also has agriculture land use, RA-2 zoning, and SU-1 Beauty Shop.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Montano Boulevard as a Minor Arterial, with a right-of-way of 86'.

There is an existing bicycle lane along Montano Boulevard.

Route #157 (Montano) passes by the subject site. The nearest bus stops are located on Montano at 4<sup>th</sup> Street (approximately 900 feet away) and on Montano and Guadalupe (approximately 1400 feet away).

Montano Road is designated as an Enhanced Transit Corridor.

### ***Public Facilities/Community Services***

Public facilities and/or community services in the area include the following: Columbus Park, Grecian Park, Goodrich Park, North Valley Little League Park, Anderson Field Open Space, Los Griegos Branch Library, McArthur Elementary School, Alvarado Elementary School, Griegos Elementary School, La Luz Elementary School, Valley High School, and a police substation.

## ***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

### ***Albuquerque Comprehensive Zoning Code***

The existing zoning for Lot 10A is R-1. The R-1 zone provides suitable sites for houses and uses incidental thereto in the Established and Central Urban Areas. The requested zoning for Lot 10A is SU-1 for Church & Related Facilities & A Day Care Center. The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code Sec. 14-16-2-22) provides suitable uses for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may "only occur in conformance with an approved site development plan" that is subject to Environmental Planning Commission (EPC) review. The applicant has provided an accompanying site development plan for building permit. Lot 9A is currently zoned SU-1 for Church & Related Facilities & A Day Care Center.

### Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

Policy II.B.5a: The Established and Developing Urban areas as shown by the plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

*The request will allow a full range of urban land uses and will be compatible with the surrounding zoning and uses. The request will change existing zoning to a SU-1 zone that allows parking for a church. The request furthers Policy II.B.5a.*

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The request will allow parking on a lot (Lot 10A) that currently is zoned R-1 and add parking, sidewalks, and a public space with benches on Lot 9A. The proposed buildings will be lower than the existing building, screen walls will shield the parking from the neighborhood, and landscaping will be upgraded throughout the site. Street trees will be added so that the property will be in compliance with the Street Tree Ordinance. The request furthers Policy II.B.5d.*

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

*Full urban services are currently available to the proposed subject site. The integrity of existing neighborhoods would be ensured by upgrading lot 10A to the SU-1 zoning designation, and improving landscaping and screening on the site. The request furthers Policy II.B.5e.*

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The request will help to redevelop the site and strengthen the existing neighborhood by adding landscaping and screening and providing services which uplift the neighborhood. The request furthers Policy II.B.5o.*

Policy II.B.5p: Cost-effective redevelopment techniques shall be developed and utilized.

*This request emphasizes private investment as a primary means to achieve redevelopment objectives. The church is not requesting any financial assistance from the City. The request furthers Policy II.B.5p.*

### **North Valley Area Plan (Rank II)**

The North Valley Area Plan (NVAP) was first adopted in 1993. The North Valley Area Plan is bounded by Bernalillo County/Sandoval County on the north, Interstate 40 on the south, Interstate 25 on the east, and the Rio Grande on the west. Applicable policies include:

Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial.

*This goal encourages quality commercial/industrial development in areas that already have this type of zoning. The zoning for the church, SU-1 for Church & Related Facilities & A Day Care is not really a commercial/industrial zone or development; however, it is a quality development. The request would encourage a quality development on a lot that has not been used for residential for several years, and would improve landscaping and screening, while adding essential social services (such as adult education) to the site. The request partially furthers Goal 6 of the North Valley Area Plan.*

Policies 2a and 2b (Zoning and Land Use): The City and County shall stabilize residential zoning and land use in the North Valley Area. Policy 2a: Limit the location, duration and type of new uses allowed by Special Use Permit. Policy 2b: Cancel discontinued Special Use Permits, permits granted where existing conditions of approval are not met, and permits that are other otherwise in violation of the Zoning Ordinance.

*The church is not seeking a Special Use Permit, but rather a zone change. It is also speculation (by the applicant) as to whether changing zoning from R-1 to SU-1 for Church & Related Facilities & A Day Care will actually prevent other lands in the area from shifting away from R-1 zoning if the City were to seek out a new site (in an R-1 zone) to provide social services. As a result of the policy that was cited by the applicant (referring specifically to limiting new uses allowed by special use permits and cancelling discontinued special use permits) and because the explanation is extremely speculative, staff believes that Policies 2a and 2b not apply to this request.*

Policy 2d (Zoning and Land Use): The City and County shall stabilize residential zoning and land use in the North Valley Area. Policy 2d: Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

*Landscaping has been increased throughout the site and walls have been added to help minimize the noise and sight impacts of non-residential activities. The number of street trees has also been increased to bring the property into compliance with the Street Tree Ordinance. However, the applicant still needs to add more trees and increase the landscape buffer to a minimum of 10 feet wide along the northern and western walls that abut the neighborhood in order to comply with the Zoning Code (Section 14-16-3-10). The request partially furthers Policy 2d (Zoning and Land Use) of the North Valley Area Plan.*

Policy 1a (Transportation): The City and County shall encourage the smooth flow of traffic on arterials. Policy 1a: Retain existing residential zoning on Alameda Boulevard, Second Street, Montano Road, and on future roadway corridors.

*If approved, existing residential zoning on Lot 10A would be changed from R-1 to SU-1 for Church & Related Facilities & A Day Care. This would obviously eliminate residential zoning on Montano Road. However, most recently this lot was used as the corporate headquarters of Dos Hermanos Restaurant, and has not been used as residential since at least 2005. It should also be pointed out that the relatively recent building of the Montano bridge (built after the NVAP was adopted) and the expansion of the bridge to a four lane arterial has contributed to the destabilization of R-1 zoning along this stretch of Montano Road. The flow of traffic on Montano Bridge during rush hour is not conducive to the stability of residential uses and residentially zoned lots that face the arterial. The request does not further Policy 1a (Transportation) of the North Valley Area Plan. The NVAP does not address Montano bridge and the effects of traffic on residential neighborhoods and the R-1 zone.*

Policy 1b (Transportation): The City and County shall encourage the smooth flow of traffic on arterials. Policy 1b: Limit access to Second Street, Alameda Boulevard, and Montano Road.

*The request will eliminate an existing driveway on the southeastern portion of Lot 10A. It is unknown how frequently this driveway is used, but eliminating this existing driveway would limit access at this location. The request furthers Policy 1b (Transportation) of the North Valley Area Plan.*

Policies 1a, 1b, and 1c (Housing): The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing. 1a: Maintain and expand areas zoned for residential uses including A-1, R-1, MH. 1b: Limit encroachment of non-residential uses into residential areas. 1c: Encourage residential zoning of parcels with residential use.

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*The request will not stabilize land use by protecting affordable housing and land presently zoned for housing. Changing the zoning from R-1 to SU-1 for Church & Related Facilities & A Day Care makes Lot 10A unavailable for residential use. Lot 10A has not been used for residential purposes since at least 2005. The church purchased Lot 10A in 2007, and also requested and received approval for a zone change from R-1 to SU-1 for O-1. The construction of a 4 lane bridge has forever changed the traffic situation and its relation to housing on this stretch of Montano Road. The request does not further Policies 1a, 1b, and 1c (Housing) of the North Valley Area Plan.*

#### **Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

*The request would provide SU-1 zoning that could only occur in conformance with an approved site development plan that is subject to EPC review. The applicant has provided an accompanying site development plan for building permit that increases landscaping, adds public space and pedestrian connections, and provides screening to separate the parking lot from the neighborhood. The request would also allow the site to come into compliance with the Street Tree Ordinance. These improvements would enhance the property value of this site. The church currently provides the following social services that aid the health, safety, and general welfare of the people in the North Valley: food bank, minor medical services, and child care. The project would be consistent with the health, safety, morals, and general welfare of the City.*

- B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not the City to show why the change should not be made.

*The proposed zoning is compatible with adjacent zoning and land use. The proposed zoning will allow both lots (where the church currently has or will have parking) to have the same*

***zoning. The applicant has cited a number of policies in the Comprehensive Plan that are furthered by the request.***

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

***The zone change request is not in significant conflict with elements of the Comprehensive Plan or North Valley Area Plan. Applicable goals and policies of the Comprehensive Plan and North Valley Area Plan have been cited.***

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

- (1) there was an error when the existing zoning map pattern was created, or
- (2) changed neighborhood or community conditions justify the change, or
- (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

***(2) The applicant has demonstrated that the site and neighborhood has changed significantly since the property was originally zoned. When the property was originally zoned, Montano was a two-lane road, Montano bridge had not been constructed, and the west side of the Rio Grande River was largely undeveloped. A four-lane bridge across the River has significantly changed the character of the street and the neighborhood. When the North Valley Area Plan was completed there were no policies addressing the Montano bridge and the effects of traffic from the bridge.***

***(3) The applicant has shown that a different use category is more advantageous to the community by furthering policies in the Comprehensive Plan and the North Valley Area Plan.***

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

***The change would not result in harmful conditions for the adjacent property, neighborhood, or the community. The request would allow the property to come into compliance with the street tree ordinance, add landscaping, increase public space and pedestrian walkways on the site, and allow Lot 10A to be cleaned up and improved. The proposed buildings will be shorter than the existing church building to the east, and will provide the church with new space for offices and adult education.***

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be:

- (1) denied due to lack of capital funds, or
- (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.



***The property is already served by City infrastructure and does not require major and un-programmed capital expenditures by the City.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

***The cost of land or other economic considerations are not the determining factor for the requested zone change.***

- H. Location on a major street is not in itself sufficient justification of apartment, office or commercial zoning.

***Street location has been noted, but the request does not ask that it be considered as sufficient justification in itself for the zone change.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

***The request does create a spot zone; however, the applicant has demonstrated that the proposed zone change would facilitate realization of the Comprehensive Plan and the North Valley Area Plan.***

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where;
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan,
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

***The request does not constitute a strip zone.***

## ***ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT***

### ***Site Plan Layout / Configuration***

The subject site is approximately 1.97 acres in size and is identified as Lots 9A, and 10A, Zapf Van Addition #10. The proposed development is for two building additions immediately west of the existing church. The buildings are located on the north end of Lot 9A and are connected by a portal. The proposed buildings will be located immediately west of the existing church (currently there is parking in this location). The proposed parking lot is located in front of (south) and to the side (west) of the buildings. There is existing parking on the east side of Lot 9A, next to the existing parish hall and education/day care.

### ***Walls/Fences***

There is an existing 6 foot high CMU wall on the north side of the property, behind the existing main church building. There is also an existing fence on the north side of the property behind the existing education/day care building. An existing fence made out of wood and other various materials is located on the far west side of the property (Lot 10A), but it is not entirely opaque. There is another existing fence on the far south side of Lot 10A. A new 6 foot high CMU wall is proposed to be installed behind the proposed parking lot on Lot 10A (far north side) and on the west side of the parking lot (on Lot 10A) to separate the church property from the residential neighborhood (this wall is required by landscaping regulations in Section 14-16-3-10). In addition to this requirement, a 10 foot wide landscape buffer, trees that reach a height of maturity of at least 25 feet, and spacing of trees equal to 75% of the mature canopy diameter of the trees is also required (Section 14-16-3-10).

### ***Vehicular Access, Circulation and Parking***

There are several vehicle access points to the church property. Lot 9A has two vehicular access points. Lot 10A has two vehicular access points, one of which is shared with the property to the west, and the other which will be closed. There is also a vehicular access point on Lot 5A, which provides access to the existing education/day care and parish hall building and parking for these buildings. Lot 5A is not owned by the church; however, the church has an agreement with the MRGCD to park on this property, and has done so since 1959.

There is existing parking on Lot 9A in front of (south) and to the side (west) of the existing church building. A portion of this parking lot will be eliminated and then covered by the proposed new church buildings. Additional parking will be added on Lot 10A. The eastern portion of Lot 9A also has existing parking in front of and to the side of the existing education/day care and parish hall building.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

There are existing sidewalks that link the existing buildings together. The proposed buildings will be connected to each other and to the existing buildings by new and existing sidewalks.

There is an existing bicycle lane along Montano Boulevard. Bus route #157 (Montano) passes by the subject site. The nearest bus stops are located on Montano at 4<sup>th</sup> Street (approximately 900 feet away) and on Montano and Guadalupe (approximately 1400 feet away). The nearest

bus stop on Montano and 4<sup>th</sup> Street (900 feet away) should be identified with an eastern directional arrow on the site development plan for building permit.

### ***Lighting and Security***

The site has 16 foot tall fully shielded light fixtures proposed throughout the site. Sixteen foot tall light fixtures are allowed with 100 feet of a residential neighborhood (Section 14-16-3-9).

### ***Landscaping***

The landscape plan shows additional landscaping to the existing site. The required landscape area is 15 percent of the net lot area; however, the applicant is providing nearly double (29 percent) of what is required. This additional landscaping will beautify the site and help the site comply with the street tree ordinance by adding trees along Montano Boulevard. Special buffer landscaping/screening requirements, per Section 14-16-3-10 (E)(4), are required on this site since a non-residential zone abuts a residential zone to the north and to the west. The landscape buffer along the far western side of Lot 10A is approximately 4' wide, but is required to be 10' wide. The landscape buffer along the far northwest side of Lot 10A appears to be approximately 9' wide. The landscape buffers on Lot 10A that border a residential zone shall be a minimum of 10' wide, per Section 14-16-3-10 (E)(4)(a) of the Zoning Code. The existing parking lot on the far eastern edge of Lot 9A also borders an R-1 zone immediately to the east (Lot 5A). However, this parking lot runs right up against the property line dividing Lot 9A from Lot 5A, so special buffer landscaping/screening requirements would not be possible at the far eastern edge of Lot 9A.

The landscaping regulations (Section 14-16-3-10 (E)(4)(b)) also state that "The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of trees shall be equal to 75% of the mature canopy diameter of the trees." The buffer landscaping behind the church (on the far north side of the site) and on the western side as shown on the site development plan for building permit does not currently meet this requirement. The buffer landscaping on the north and west sides of the site shall meet the special buffer landscaping/screening requirements (spacing of the trees shall be equal to 75 percent of the mature canopy diameter of the trees) in Section 14-16-3-10 (E)(4)(b) of the Zoning Code.

### ***Public Outdoor Space***

A public outdoor space with benches is located in between the two new proposed buildings and the parking lot. The outdoor space will be partially shaded by a Honey Locust tree.

### ***Grading, Drainage, Utility Plans***

The western portion of Lot 9A drains south until it drains into the concrete storm drain lateral installed with the Montano storm drain. Lot 10A drains from north to south onto Montano Boulevard. The residential lots to the north drain north and do not impact this site. Montano Boulevard had a relatively recent storm drain system installed. New water and sewer connections will be made to existing water and sewer services.

### ***Architecture***

The proposed buildings will consist of brown and tan stucco walls, wood canopy structures and tapered wood columns with light brown stain, and corrugated metal roofs in galvalume color. The proposed buildings will fit in well with the existing tan and brown church buildings on the site.

### ***Signage***

An existing monument sign will remain on site next to one of the primary entrances on Lot 9A. No additional signage is proposed.

### ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

City Departments and other interested agencies reviewed this application from 8/10/2009 to 8/21/2009. Comments from Zoning Code Services have been addressed in a revised site development plan for building permit and landscape plan. Agency comments begin on page 19.

### ***NEIGHBORHOOD/PUBLIC CONCERNS***

Los Poblanos Neighborhood Association (LPNA) and North Valley Coalition are the affected Neighborhoods/Coalitions. A facilitated meeting was requested by the Office of Neighborhood Coordination, but a meeting was not held. The facilitator contacted the affected Neighborhoods/Coalitions; however, they did not feel a facilitated meeting was necessary. The LPNA sent a letter stating that the LPNA Board voted unanimously to support the proposed project. However, there is a concern expressed by an immediately adjacent residential neighbor that the request could block the solar panels on his garage. The applicant has been made aware of the concern about the solar panels.

### ***CONCLUSIONS***

This a request for a zone map amendment from R-1 to SU-1 for Church & Related Facilities & A Day Care Center, and a request for an amendment to the site development plan for building permit on a 1.97 acre portion of land located on Montano Road between 4<sup>th</sup> Street and 9<sup>th</sup> Street. The site comprises Lots 9A and 10A, Zapf. Van Addition #10. Lot 10A would receive the zone change, while lot 9A is already zoned SU-1 for Church & Related Facilities & A Day Care Center. The applicant is requesting an addition to the existing church in the form of two buildings (connected by a portal) that will be used for offices and adult education, and an expansion of the existing parking lot.

The applicant has adequately justified the request for a zone map amendment and the amendment to the site development plan for building permit based on applicable policies found in the Comprehensive Plan and the North Valley Area Plan. Staff is recommending approval with conditions.

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***FINDINGS – 09EPC 40050, 10/15/2009, Zone Map Amendment***

1. This is a request for a zone map amendment from R-1 to SU-1 for Church & Related Facilities & A Day Care Center on Lot 10A, Zapf-Van Addition #10.
2. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. The subject site is within the Established Urban Area of the Comprehensive Plan.
4. This request for a zone map amendment is accompanied by a request for an amendment to a site development plan for building permit.
5. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
  - a. Policy II.B.5a – The request will allow a full range of urban land uses and will be compatible with the surrounding zoning and uses.
  - b. Policy II.B.5d – The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The request will allow parking on a lot (Lot 10A) that currently is zoned R-1 and add parking, sidewalks, and a public space with benches on Lot 9A. The proposed buildings will be lower than the existing building, screen walls will shield the parking from the neighborhood, and landscaping will be upgraded throughout the site. The request will add trees so that the property will be in compliance with the Street Tree Ordinance.
  - c. Policy II.B.5e – Full urban services are currently available to the proposed subject site. The integrity of existing neighborhoods would be ensured by upgrading lot 10A to the SU-1 zoning designation, and improving landscaping and screening on the site.
  - d. Policy II.B.5o – The request will help to redevelop the site and strengthen the existing neighborhood by adding landscaping and screening, and by providing services which uplift the neighborhood.
  - e. Policy II.B.5p – This request emphasizes private investment as a primary means to achieve redevelopment objectives. The church is not requesting any financial assistance from the City.
6. The request partially furthers Goal 6 of the North Valley Area Plan. This goal encourages quality commercial/industrial development in areas that already have this type of zoning. The

zoning for the church, SU-1 for Church & Related Facilities & A Day Care is not really a commercial/industrial zone or development; however, it is a quality development. The request would encourage a quality development on a lot that has not been used for residential for several years, and would improve landscaping and screening, while adding essential social services (such as adult education) to the site.

7. The request partially furthers 2d (Zoning and Land Use) of the North Valley Area Plan. Landscaping has been increased throughout the site and walls have been added to help minimize the noise and sight impacts of non-residential activities. The number of street trees has also been increased to bring the property into compliance with the Street Tree Ordinance. However, the applicant still needs to add more trees and increase the landscape buffer to a minimum of 10 feet wide along the northern and western walls that abut the neighborhood in order to comply with the Zoning Code (Section 14-16-3-10).
8. The request furthers Policy 1b (Transportation) of the North Valley Area Plan. The request will eliminate an existing driveway on the southeastern portion of Lot 10A. It is unknown how frequently this driveway is used, but eliminating this existing driveway would limit access at this location.
9. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:
  - a. The request would provide SU-1 zoning that could only occur in conformance with an approved site development plan that is subject to EPC review. The applicant has provided an accompanying site development plan for building permit that increases landscaping, adds public space and pedestrian connections, and provides screening to separate the parking lot from the neighborhood. The request would also allow the site to come into compliance with the Street Tree Ordinance. These improvements would enhance the property value of this site. The church currently provides the following social services that aid the health, safety, and general welfare of the people in the North Valley: food bank, minor medical services, and child care. The project would be consistent with the health, safety, morals, and general welfare of the City.
  - b. The proposed zoning is compatible with adjacent zoning and land use. The proposed zoning will allow both lots 9A and 10A (where the church currently has or will have parking) to have the same zoning. The applicant has cited a number of policies in the Comprehensive Plan that are furthered by the request.
  - c. The zone change request is not in significant conflict with elements of the Comprehensive Plan or North Valley Area Plan. Applicable goals and policies of the Comprehensive Plan and North Valley Area Plan have been cited.
  - d. 2) The applicant has demonstrated that the site and neighborhood has changed significantly since the property was originally zoned. When the property was originally

zoned; Montano was a two-lane road, Montano bridge had not been constructed, and the west side of the Rio Grande River was largely undeveloped. A four-lane bridge across the River has significantly changed the character of the street and the neighborhood. When the North Valley Area Plan was adopted in 1993 there were no policies addressing the Montano bridge and the effects of traffic from the bridge.

(3) The applicant has shown that a different use category is more advantageous to the community by furthering policies in the Comprehensive Plan and the North Valley Area Plan.

- e. The change would not result in harmful conditions for the adjacent property, neighborhood, or the community. The request would allow the property to come into compliance with the street tree ordinance, add landscaping, increase public space and pedestrian walkways on the site, and allow Lot 10A to be cleaned up and improved. The proposed buildings will be shorter than the existing church building to the east, and will provide the church with new space for offices and adult education.
  - f. The property is already served by City infrastructure and does not require major and un-programmed capital expenditures by the City.
  - g. The cost of land or other economic considerations are not the determining factor for the requested zone change.
  - h. Street location has been noted, but the request does not ask that it be considered as sufficient justification in itself for the zone change.
  - i. The request does create a spot zone; however, the applicant has demonstrated that the proposed zone change would facilitate realization of the Comprehensive Plan and the North Valley Area Plan.
  - j. The request does not constitute a strip zone.
10. The LPNA sent a letter of support, stating that the Board of LPNA voted unanimously to support the proposed project. However, there is a concern expressed by an immediately adjacent residential neighbor that the request could block the solar panels on his garage.

***RECOMMENDATION - 09EPC 40050, 10/15/2009, Zone Map Amendment***

**APPROVAL of 09EPC 40050, a zone map amendment, for Lot 10A, Zapf Van Addition #10, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 09EPC 40050, 10/15/2009, Zone Map Amendment***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
  2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
  3. The accompanying site development plan for building permit must receive final DRB sign off within 6 months of this EPC action.
  4. Replat Lots 9A and 10A into a single lot.
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***FINDINGS – 09EPC 40048, 10/15/2009, Amendment to Site Development Plan for Building Permit***

1. This is a request for an amendment to the site development plan for building permit. The site comprises Lots 9A and 10A Zapf-Van Addition #10.
2. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. The subject site is within the Established Urban Area of the Comprehensive Plan.
4. This request for an amendment to a site development plan for building permit is accompanied by a request for zone map amendment.
5. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:



- a. Policy II.B.5d – The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The proposed buildings will be lower than the existing building, screen walls will shield the parking from the neighborhood, and landscaping will be upgraded throughout the site. Street trees will be added so that the property will be in compliance with the Street Tree Ordinance.
  - b. Policy II.B.5e – Full urban services are currently available to the proposed subject site. The integrity of existing neighborhoods would be ensured by improving landscaping and screening on the site.
  - c. Policy II.B.5o – The request will help to redevelop the site and strengthen the existing neighborhood by adding landscaping and screening and providing services which uplift the neighborhood.
  - d. Policy II.B.5p – This request emphasizes private investment as a primary means to achieve redevelopment objectives. The church is not requesting any financial assistance from the City.
6. The request partially furthers Goal 6 of the North Valley Area Plan. This goal encourages quality commercial/industrial development in areas that already have this type of zoning. The zoning for the church, SU-1 for Church & Related Facilities & A Day Care is not really a commercial/industrial zone or development; however, it is a quality development. The request would encourage a quality development on a lot that has not been used for residential for several years, and would improve landscaping and screening, while adding essential social services (such as adult education) to the site.
7. The request partially furthers 2d (Zoning and Land Use) of the North Valley Area Plan. Landscaping has been increased throughout the site and walls have been added to help minimize the noise and sight impacts of non-residential activities. The number of street trees has also been increased to bring the property into compliance with the Street Tree Ordinance. However, the applicant still needs to add more trees and increase the landscape buffer to a minimum of 10 feet wide along the northern and western walls that abut the neighborhood in order to comply with the Zoning Code (Section 14-16-3-10).
8. The request furthers Policy 1b (Transportation) of the North Valley Area Plan. The request will eliminate an existing driveway on the southeastern portion of Lot 10A. Eliminating this existing driveway would limit access at this location.
9. The LPNA sent a letter of support, stating that the Board of LPNA voted unanimously to support the proposed project. However, there is a concern expressed by an immediately adjacent residential neighbor that the request could block the solar panels on his garage.

***RECOMMENDATION - 09EPC 40048, 10/15/2009, Amendment to Site Development Plan for Building Permit***

**APPROVAL of 09EPC 40048, an amendment to site development plan for building permit, for Lots 9A and 10A, Zapf Van Addition #10, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 09EPC 40048, 10/15/2009, Amendment to Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The nearest bus stop on Montano and 4<sup>th</sup> Street (900 feet away) should be identified with an eastern directional arrow on the site development plan for building permit.
4. Landscaping:
  - a. All landscape buffers on Lot 10A that border a residential zone shall be a minimum of 10' wide, per Section 14-16-3-10 (E)(4)(a) of the Zoning Code.
  - b. The buffer landscaping on the north and west sides of the site (Lots 9A & 10A) shall meet the special buffer landscaping/screening requirements (spacing of the trees shall be equal to 75 percent of the mature canopy diameter of the trees) in Section 14-16-3-10 (E)(4)(b) of the Zoning Code.
5. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

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- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
  - b. If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
  - c. Site plan shall comply and be designed per DPM Standards.
- 

***Randall Falkner  
Planner***

cc: St. Michaels & All Angels Episcopal Church, 601 Montano Rd. NW, Albuquerque, NM 87107  
Scott C. Anderson, 601 Montano Rd. NW, Albuquerque, NM 87107  
Chris Catechis, Los Pablanos N.A./North Valley Coalition, 5733 Guadalupe Tr. NW,  
Albuquerque, NM 87107  
Steve Ranieri, Los Pablanos N.A., 505 Sandia Rd. NW, Albuquerque, NM 87107

***Attachments***

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

Provide Motorcycle parking signs  
Provide parking bumpers along Northern side to east of new addition  
Increase sidewalk width to 6' along new addition  
Maximum height of light poles is 16 feet  
Provide square footage of each landscape area

#### ***Office of Neighborhood Coordination***

Los Poblanos NA (R)  
North Valley Coalition  
8/10/09 – Recommended for Facilitation – siw  
8/10/09 – Assigned to Diane Grover - swatson

#### ***Long Range Planning***

### ***CITY ENGINEER***

#### ***Transportation Development Services***

- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Site plan shall comply and be designed per DPM Standards.

#### ***Traffic Engineering Operations***

#### ***Hydrology***

- The Hydrology Section has no objection to the site plan amendment.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

**Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT  
and NMDOT:**

Conditions of approval for the proposed Site Development Plan for Building Permit Amendment shall include:

- d. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- e. If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- f. Site plan shall comply and be designed per DPM Standards.

***WATER UTILITY AUTHORITY***

**Utility Services**

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

**Environmental Services Division**

***PARKS AND RECREATION***

**Planning and Design**

Reviewed; no objection. Request does not affect our facilities.

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**Open Space Division**

Open Space has no adverse comments

**City Forester**

**POLICE DEPARTMENT/Planning**

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Disapproved – need to have double enclosure or have 2 enclosures. Call 761-8336.

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	None
Adjacent bus stops	None
Site plan requirements	None
Large site TDM suggestions	N/A
Other information	None.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

This will result in no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

No comment based on the information provided to date.